

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAMES LOUIS WELLS,

CASE NO. 5:11-cv-05762 EJD

**ORDER TO SHOW CAUSE**

Plaintiff(s),

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,


Defendant(s).

On November 30, 2011, Plaintiff James Louis Wells ("Plaintiff") filed a Complaint for Judicial Review of Decision of Commissioner of Social Security. See Docket Item No. 1. On that same date, the court issued an Social Security Procedural Order which, *inter alia*, required Plaintiff to file and serve a Motion for Summary Judgment within 28 days of service of Defendant Michael J. Astrue's ("Defendant") Answer pursuant to Civil Local Rule 16-5. See Docket Item No. 3. Defendant thereafter filed and served his Answer to the Complaint on April 3, 2012. See Docket Item No. 10. Plaintiff, however, did not file a serve a Motion for Summary Judgment as directed.

Accordingly, the court hereby issues an order to show cause why this action should not be dismissed for failure to prosecute. If Plaintiff does not, **by January 31, 2013**, demonstrate good cause in writing why this case should not be dismissed, the court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b). No hearing will be held on the order to show cause unless otherwise ordered by the court.

**IT IS SO ORDERED.**

Dated: January 10, 2013

  
EDWARD J. DAVILA  
United States District Judge